



ENTERED
03/04/2011

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE:	§	
DEEP MARINE HOLDINGS, INC., <i>et al</i>,	§	Case No. 09-39313
Debtor(s).	§	
	§	
	§	Chapter 11
	§	
DEEP MARINE 1, LLC, <i>et al</i>,	§	
Plaintiff(s)	§	
	§	
VS.	§	Adversary No. 10-03271
	§	
DEEP MARINE LIQUIDATING TRUST	§	
(AS SUCCESSOR TO DEEP MARINE	§	
HOLDINGS, INC., DEEP MARINE	§	
TECHNOLOGY INCORPORATED, DEEP	§	
MARINE 1, LLC, AND DEEP MARINE 2,	§	
LLC), <i>et al</i>,	§	
Defendant(s).	§	Judge Isgur

Order Vacating Prior Order Granting Motion to Disburse Undisputed Funds

The Court is now aware that GE's Motion to Disburse Undisputed Funds (Case No. 09-39313, ECF No. 970) was opposed by Otto Candies, L.L.C. (Adversary No. 10-03271, ECF No. 130). It is undisputed that Otto Candies, L.L.C. filed its response in the adversary proceeding rather than in the main bankruptcy case. It is also undisputed that this error was caused when GE served its motion with an incorrect caption.

GE now wishes to place Otto Candies, L.L.C. in a defensive posture of a party that seeks to vacate an order in which it was not the prevailing party. The Court finds that Otto Candies, L.L.C. was denied due process when the Court issued its order without consideration of Otto Candies, L.L.C.'s response. This denial was occasioned, although unintentionally, by GE.

The Court's Order Granting Motion to Disburse Undisputed Funds (Case No. 09-39313, ECF No. 1012) is vacated. GE must promptly return any funds received under the Order

Granting Motion to Disburse Undisputed Funds to the registry of the Court.

The Court will consider the substantive arguments raised by GE in due course, after the funds are returned to the Court's registry. GE shall advise the Court's case manager when the funds have been returned, at which time the Court will consider the substantive motion.

SIGNED **March 2, 2011.**



Marvin Isgur
UNITED STATES BANKRUPTCY JUDGE